

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

ALEX HERNANDEZ OSORIO

CASE NO. 06-02960 ESL

DEBTOR

CHAPTER 13

DORAL BANK

INDEX:

MOVANT

V

ALEX HERNANDEZ OSORIO AND
ALEJANDRO OLIVERAS RIVERA
AS DEBTOR'S TRUSTEE
RESPONDENTS

ANSWER TO CREDITOR'S MOTION FOR RELIEF FROM STAY

TO THE HONORABLE COURT:

The Debtor, by his attorney, respectfully represents:

1. On December 8, 2008 secured creditor Doral Bank acting as servicing agent of Doral Financial Corporation (hereinafter Doral) filed a motion for relief from stay that was served on the Debtor on December 14, 2008 (see certificate of service docket entry #16), more than the three days allowed for such service.
2. Nonetheless, Debtor hereby answers the motion to address the issues.
3. Doral alleges that Debtor has accumulated four (4) post-petition arrears on one mortgage (Oct/Nov/Dic?), and three (3) months on a second mortgage (10/08, 11/08, 12/08).
4. The Debtor recognizes being in arrear to the Creditor but not for the amounts or the dates claimed.

5. Debtor filed a modified post petition plan on 8/14/2008 that was confirmed by this Court on 08/27/08 (d.e.#72 and 76) covering arrears to Doral up to August 2008.
6. According to this plan Debtor was to begin paying Doral again on September of 2008, thus four months have passed.
7. Debtor presents evidence of having made two payments on both mortgages (see copies attached).
8. Therefore Debtor is two months in arrears and can bring his account completely up to date by January 30, 2009, including the payment of January. This date is 30 days after the initial hearing scheduled for December 30th.
9. With Creditor Doral Bank's agreement to an extension of 30 days the Debtor will be able to completely cure the arrears.
10. If this is acceptable to the Creditor, the Debtor agrees that if the arrears are not completely cured by January 30th, the stay will be lifted automatically without the need for further hearing.
11. The Debtor will provide the Court and Doral Bank with evidence of the payment to show compliance with this agreement.

WHEREFORE, Debtor hereby respectfully request that this Honorable Court leave in abeyance creditor's motion for relief from stay pending Debtor's compliance with this agreement.

CERTIFICATE OF SERVICE: I hereby certify that on December 17,

Alex Hernandez Osorio
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2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notifications of such filing to the following: Alejandro Oliveras, Chapter 13 Trustee, and to Creditor Doral Bank through their legal representative Lcdo. Sergio Ramírez de Arellano.

September 14, 2005



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